Adams, Hope

From: Wessinger-Hill, JoAnne
Sent: Friday, July 30, 2021 10:56 AM
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Cc: PSC_Contact; Besley, Sharon
Subject: RE: Hearing Exhibit ? -- Judicial Notice? (Cross Examination Exhibit No. 4 Bowman) -- DN 2020-263-E
Attachments: Cherokee Cross-Bowman-004 - 45 FR 12224 - Excerpt from Order No. 69.PDF

Parties:

Attached is a copy of the Cross Examination Exhibit regarding the Witness on the stand.

Jo Anne

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docket. If you have received this communication in error, please immediately notify us by telephone at (803) 896-5100.

structural failure of the airframe, accomplish a comprehensive inspection of all areas modified by The Raisbeck Group, as follows:

A. Before further flight, inspect for deviations from the supplemental type design in accordance with Paragraphs I through IV, and VI, of FAA approved Raisbeck Service Bulletin No. 25. Inspect for discrepancies such as:

1. Plugged holes
2. Oblong, eggshaped, oversized, or irregular holes
3. Tapered holes
4. Excess holes
5. Inadequate edge distances
6. Gouges
7. Improper fasteners (type and number)
8. Improper clearances
9. Any other irregularities which are not consistent with standard aircraft practice.

B. Before accumulation of 2,000 flight hours time-in-service after modification by STC SA687NW inspect the horizontal stabilizer and elevator in accordance with Paragraphs V(A) and V(B) of FAA approved Raisbeck Service Bulletin No. 25. Repeat this inspection at intervals not exceeding 5,000 flight hours time-in-service thereafter.

C. Before accumulation of 2,000 flight hours time-in-service after modification by STC SA687NW or STC SA847NW, inspect the wing leading edge in accordance with Paragraph V(D) of FAA approved Raisbeck Service Bulletin No. 25. Repeat this inspection at intervals not exceeding 5,000 flight hours time-in-service thereafter.

D. Before accumulation of 10,000 flight hours time-in-service after modification by STC SA687NW or STC SA847NW, inspect the overwing modification in accordance with Paragraph V(C) of FAA approved Raisbeck Service Bulletin No. 25. Repeat this inspection at intervals not exceeding 10,000 flight hours time-in-service thereafter.

E. Inspections are to be conducted at facilities specifically authorized by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

F. Discrepancies discovered as a result of the inspections are to be reported to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repair or modifications required because of these problems are to be FAA approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region or specifically authorized DERs.

G. Airplanes may be ferried, in accordance with FAR 21.199, to a maintenance base, for the purpose of complying with this AD.

H. The inspections noted herein may be accomplished as noted or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

I. Areas previously inspected in accordance with Amendment 39-3680 may be excluded from the inspections required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to The Raisbeck Group, 7777 Perimeter Road, Seattle, Washington 98108.

This amendment becomes effective upon publication in the Federal Register and was effective earlier to all recipients of the telegraphic AD T80-NW-2 dated January 17, 1980.

(Secs. 313(1), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on February 13, 1980.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-5638 Filed 2-22-80; 8:45 am]

BILLING CODE 4910-13-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Chapter XX

CFR Chapter Heading and Nomenclature Change

February 19, 1980.

AGENCY: Office of the United States Trade Representative.

ACTION: Final rule.

SUMMARY: This rule changes Chapter XX of Title 15, Code of Federal Regulations, from "Office of the Special Representative for Trade Negotiations" to "Office of the United States Trade Representative." Within the body of the Chapter XX, all references to the "Office of the Special Representative for Trade Negotiations", to the "Special Representative for Trade Negotiations", and to the "Special Representative" or "Deputy Special Representative" are changed to the "Office of the United States Trade Representative", to "the United States Trade Representative", and the "Trade Representative" or "Deputy Trade Representative" respectively. These changes are authorized as part of Reorganization Plan No. 3 of 1979 (44 FR 69273) which was implemented by Executive Order No. 12188 of January 2, 1980 (45 FR 989).

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Alice Zalik, General Council's Office, Office of the United States Trade Representative, 1800 G Street, NW., Washington, D.C. 20506. (202) 395-3432.

Accordingly, each reference to "the Office of the Special Representative for Trade Negotiations" contained within Chapter XX of Title 15 of the Code of Federal Regulations, including the heading, is changed to "the Office of the United States Trade Representative". Each reference to "the Special Representative for Trade Negotiations" contained within the chapter is changed to "the United States Trade Representative". Each reference to the "Special Representative" and to the "Deputy Special Representative" is changed to the "Trade Representative" and to the "Deputy Trade Representative" respectively.

Robert C. Cassidy,

General Counsel.

[FR Doc. 80-5605 Filed 2-22-80; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM79-55, Order No. 69]

Small Power Production and Cogeneration Facilities; Regulations Implementing Section 210 of the Public Utility Regulatory Policies Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations that implement section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The rules require electric utilities to purchase electric power from and sell electric power to qualifying cogeneration and small power production facilities, and provide for the exemption of qualifying facilities from certain federal and State regulation. Implementation of these rules is reserved to State regulatory authorities and nonregulated electric utilities.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT:
Ross Ain, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8446.
John O'Sullivan, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8477.
Adam Wenner, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8033.

Many commenters at the Commission's public hearings and in written comments recommended that the Commission should require the establishment of "net energy billing" for small qualifying facilities. Under this billing method, the output from a qualifying facility reverses the electric meter used to measure sales from the electric utility to the qualifying facility. The Commission believes that this billing method may be an appropriate way of approximating avoided cost in some circumstances, but does not believe that this is the only practical or appropriate method to establish rates for small qualifying facilities. The Commission observes that net energy billing is likely to be appropriate when the retail rates are marginal cost-based, time-of-day rates. Accordingly, the Commission will leave to the State regulatory authorities and the nonregulated electric utilities the determination as to whether to institute net energy billing.

Paragraph (c)(3)(i) provides that standard rates for purchase should take into account the factors set forth in paragraph (e). These factors relate to the quality of power from the qualifying facility, and its ability to fit into the purchasing utility's generating mix.

Paragraph (e)(vi) is of particular significance for facilities of 100 kW or less. This paragraph provides that rates for purchase shall take into account "the individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system . . .". Several commenters presented persuasive evidence showing that an effective amount of capacity may be provided by dispersed small systems, even in the case where delivery of energy from any particular facility is stochastic. Similarly, qualifying facilities may be able to enter into operating agreements with each other by which they are able to increase the assured availability of capacity to the utility by coordinating scheduled maintenance and providing mutual back-up service. To the extent that this aggregate capacity value can be reasonably estimated, it must be reflected in standard rates for purchases.

Several commenters observed that the patterns of availability of particular energy sources can and should be reflected in standard rates. An example of this phenomenon is the availability of wind and photovoltaic energy on a summer peaking system. If it can be shown that system peak occurs when there is bright sun and no wind, rates for purchase could provide a higher capacity payment for photovoltaic cells than for wind energy conversion systems. For systems peaking on dark windy days, the reverse might be true. Subparagraph (3)(ii) thus provides that standard rates for purchases may differentiate among qualifying facilities on the basis of the supply characteristics of the particular technology.

§§ 292.304 (b)(5) and (d) Legally enforceable obligations.

Paragraphs (b)(5) and (d) are intended to reconcile the requirement that the rates for purchases equal the utilities' avoided cost with the need for qualifying facilities to be able to enter into contractual commitments based, by necessity, on estimates of future avoided costs. Some of the comments received regarding this section stated that, if the avoided cost of energy at the time it is supplied is less than the price provided in the contract or obligation, the purchasing utility would be required to pay a rate for purchases that would subsidize the qualifying facility at the expense of the utility's other ratepayers. The Commission recognizes this possibility, but is cognizant that in other cases, the required rate will turn out to be lower than the avoided cost at the time of purchase. The Commission does not believe that the reference in the statute to the incremental cost of alternative energy was intended to require a minute-by-minute evaluation of costs which would be checked against rates established in long term contracts between qualifying facilities and electric utilities.

Many commenters have stressed the need for certainty with regard to return on investment in new technologies. The Commission agrees with these latter arguments, and believes that, in the long run, "overestimations" and "underestimations" of avoided costs will balance out.

Paragraph (b)(5) addresses the situation in which a qualifying facility has entered into a contract with an electric utility, or where the qualifying facility has agreed to obligate itself to deliver at a future date energy and capacity to the electric utility. The import of this section is to ensure that a qualifying facility which has obtained the certainty of an arrangement is not deprived of the benefits of its commitment as a result of changed circumstances. This provision can also work to preserve the bargain entered into by the electric utility; should the actual avoided cost be higher than those contracted for, the electric utility is nevertheless entitled to retain the benefit of its contracted for, or otherwise legally enforceable, lower price for purchases from the qualifying facility. This subparagraph will thus ensure the certainty of rates for purchases from a qualifying facility which enters into a commitment to deliver energy or capacity to a utility.

Paragraph (d)(1) provides that a qualifying facility may provide energy or capacity on an "as available" basis, i.e., without legal obligation. The proposed rule provided that rates for such purchases should be based on "actual" avoided costs. Many comments noted that basing rates for purchases in such cases on the utility's "actual avoided costs" is misleading and could require retroactive ratemaking. In light of these comments, the Commission has revised the rule to provide that the rates for purchases are to be based on the purchasing utility's avoided costs estimated at the time of delivery.[14]

Paragraph (d)(2) permits a qualifying facility to enter into a contract or other legally enforceable obligation to provide energy or capacity over a specified term. Use of the term "legally enforceable obligation" is intended to prevent a utility from circumventing the requirement that provides capacity credit for an eligible qualifying facility merely by refusing to enter into a contract with the qualifying facility.

Many commenters noted the same problems for establishing rates for purchases under subparagraph (2) as in subparagraph (1). The Commission intends that rates for purchases be based, at the option of the qualifying facility, on either the avoided costs at the time of delivery or the avoided costs calculated at the time the obligation is incurred. This change enables a qualifying facility to establish a fixed contract price for its energy and capacity at the outset of its obligation or to receive the avoided costs determined at the time of delivery.

A facility which enters into a long term contract to provide energy or capacity to a utility may wish to receive a greater percentage of the total purchase price during the beginning of the obligation. For example, a level payment schedule from the utility to the qualifying facility may be used to match more closely the schedule of debt service of the facility. So long as the total payment over the duration of the contract term does not exceed the estimated avoided costs, nothing in these rules would prohibit a State regulatory authority or non-regulated electric utility from approving such an arrangement.

[14] In addition to the avoided costs of energy, these costs must include the prorated share of the aggregate capacity value of such facilities.